United Nations S/2005/506

Security Council

Distr.: General
2 August 2005

Original. English

Eighteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1592 (2005) of 30 March 2005, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it informed regularly of developments in the Mission area. The present report provides an update on electoral planning since my special report on elections in the Democratic Republic of the Congo (S/2005/320 of 26 May 2005), and covers major developments since my last regular report, of 15 March 2005 (S/2005/167).

II. Political developments

2. While the end of the first 24 months of the transition on 30 June was threatened by calls for violent disturbances, the situation remained relatively calm throughout the period. The Transitional Government maintained public order during periods of heightened tension at the end of June and early in July and the first weeks of the six-month extension of the transition have been generally peaceful.

3. In addresses to the Parliament on 16 May and 28 June, President Kabila called for an "assessment of the Government's performance" and a cabinet reshuffle. On 8 July, changes were announced in senior diplomatic and military appointments and some nominations were made for the *petite territoriale* (local administration). However, contacts between the Parti du peuple pour la reconstruction et la démocratie (PPRD) and the Union pour la démocratie et le progrès social (UDPS), regarding the inclusion of some UDPS or Parti Lumumbiste unifié (PALU) officials in the transitional institutions produced no tangible results. On 16 July, the Presidents of Angola, the Republic of the Congo and Gabon visited the Democratic Republic of the Congo to demonstrate their support for the transition and promote inclusiveness in the process.

4. The debate over the future of the transition has divided the Congolese polity into two major camps. The parties participating in the transitional institutions — PPRD, the Mouvement pour la libération du Congo (MLC), the Rassemblement

05-44573 (E) 040805

congolais pour la démocratie-Goma (RCD-G) and the Forces du futur — favoured an extension of the transition. At the same time, political parties that are largely not represented in the transitional institutions — led by UDPS and including PALU, the Groupe des Quatorze of political parties, the Mouvement du 17 mai, and the Forces novatrices pour l'union et la solidarité — accused the Transitional Government of failing to organize the elections on time, opposed an automatic extension of the transition, and called for public demonstrations to stop the transitional process.

5. Concerns that such rhetoric and large-scale actions called for by UDPS would lead to violent demonstrations and an escalation of violence between demonstrators and security forces did not materialize. By 30 June, almost 250,000 voters had received their electoral cards in Kinshasa, thus providing tangible proof of progress in the transition and that the electoral process was finally under way. Moreover, late in June, the Transitional Government, as a show of force, held military parades in Kinshasa and the major provincial cities. The military returned to barracks and on 30 June the Police nationale congolaise, in particular the Police d'intervention rapide unit trained by Angola and France, were deployed for crowd control.

6. Significantly, neither church leaders nor a large number of students joined UDPS in its calls for demonstrations. The Conférence episcopale nationale du Congo called for the urgent establishment of a follow-up committee on elections to mediate difficulties stemming from the electoral process. High-level diplomatic visits prior to 30 June helped to reduce tensions, including visits by the President of South Africa, Thabo Mbeki, the European Union High Representative for Common Foreign and Security Policy, Javier Solana, the European Commissioner for Development and Humanitarian Aid, Louis Michel, and the President of the European Commission, José Manuel Barroso.

7. There were, however, some clashes between demonstrators and security forces from 29 June to 1 July, resulting in one death in Kinshasa, five in Tshikapa and seven in Mbuji-Mayi. More than 400 protesters and representatives of political parties — including many high-level UDPS officials — were temporarily detained in Kinshasa and in the Kasais. However, most were released within 24 hours.

8. Since 30 June, UDPS has displayed greater willingness to organize its public activities within legal parameters. Its political rally on 9 July in Kinshasa was attended by some 20,000 UDPS supporters and was organized with the consent of the Transitional Government.

Legislative agenda

9. Significant progress was made during the ordinary session of Parliament, which closed on 4 July. On 13 May, the National Assembly adopted the draft Constitution, which will be submitted to a referendum currently scheduled for 27 November. On 17 June, the Senate and the National Assembly, in a joint decision, approved the extension of the transition for a period of six months, under article 196 of the Transitional Constitution and, on 23 June, President Kabila promulgated the referendum law.

10. National and international experts are now reviewing the preliminary draft of the electoral law, prepared by the Independent Electoral Commission and the Ministry of the Interior. Following approval by the Council of Ministers, the draft

law is to be reviewed concurrently by the National Assembly and the Senate in order to accelerate the adoption process.

Electoral process

11. On 18 June, 186 of the 221 registered political parties signed a code of conduct prepared by the Independent Electoral Commission, outlining the principles for conducting the electoral process in a transparent, equitable, credible and non-violent manner. UDPS and PPRD have yet to sign the code of conduct.

12. On 20 June, voter registration began in Kinshasa, and, on 25 July, commenced in Bas-Congo and Province Orientale. By 26 July, more than 2.7 million voters had registered. Registration will be implemented for security reasons in five phases: starting in Kinshasa, followed by Province Orientale and Bas-Congo; Katanga, Kasai Oriental and Kasai Occidental; Maniema, North and South Kivu; and ending with Bandundu and Equateur by 30 September. The Independent Electoral Commission, with the assistance of MONUC, has identified 9,000 voter registration centres across the country and the recruitment and training of the 40,000 registration officers has begun.

13. The gap between available funds and upcoming needs related to the elections is of serious concern. The estimated total budget for elections is $422 million dollars, including $270 million to support the electoral process through the Independent Electoral Commission. To date, some $272.8 million has been pledged against the Commission's budget, including some $100 million at a donors meeting convened by the European Union in Brussels on 11 July. However, the additional $103 million estimated for MONUC to move electoral materials to the 145 territories and 21 major cities is still pending a decision of the Security Council. If the funds are not approved, the electoral timetable could experience considerable delays.

14. Furthermore, the Transitional Government estimates that some $48 million will be required for electoral security, including for training and equipping the police. A communications system for election security would require a further $14.25 million. Pledges have been received from the European Union, Belgium, the Netherlands, Sweden, the United Kingdom of Great Britain and Northern Ireland, and the Transitional Government that would nearly cover the full amount. The United Nations Development Programme (UNDP) has established a basket fund to manage donor contributions for security.

15. While registration is to be completed by October and the referendum is to be held on or about 27 November, the Government has yet to publicly announce the full electoral timetable, including provisional dates for the provincial and presidential polls which can be confirmed once the electoral law has been finalized. There is concern that, if these dates are not made public, efforts to create the secure conditions needed for holding free and fair elections could be undermined.

16. The Independent Electoral Commission launched a civic education campaign on 18 June, and is disseminating throughout the country most of the major legal texts relating to the elections, including the nationality and registration laws and the draft Constitution, in the four national languages (Swahili, Lingala, Tshiluba and Kikongo). MONUC, in partnership with the UNDP and Appui au processus électoral

au Congo, has produced four videos on the electoral process in the different languages. Women's groups are advocating for an increased role for women in the electoral process, and the Association of Women Lawyers is implementing a strategy for monitoring the voter registration process.

Regional relations

17. Following the adoption of the Dar es Salaam Declaration in November 2004, the 11 core countries of the International Conference on the Great Lakes Region are preparing project documents and protocols to be adopted by the second summit on the Great Lakes, which is to be held in November 2005 in Nairobi. Under the framework of the Conference, which is organized under the auspices of the United Nations and the African Union, the core countries are engaged in discussions on key issues facing the region with regard to peace and security, democracy and good governance, economic development and humanitarian and social questions.

18. During the reporting period, some progress was made towards de-escalating regional tensions as a result of the meeting of the Ministers for Foreign Affairs of the Democratic Republic of the Congo, Rwanda and Uganda at Lubumbashi on 21 April, under the United States-facilitated Tripartite Agreement. The parties reaffirmed their commitment to ending the presence and activities of foreign armed groups in eastern Democratic Republic of the Congo. They also agreed to support the efforts of the Armed Forces of the Democratic Republic of the Congo (FARDC) to disarm, demobilize and repatriate to Rwanda the combatants of the Forces démocratiques de libération du Rwanda (FDLR), with the support of MONUC. Participants also agreed to establish a "fusion cell" for the exchange and analysis of information relating to border security.

19. The Foreign Minister of Rwanda, Charles Murigande, visited Kinshasa on 21 and 22 June, to follow up with the Transitional Government on the long-awaited appointment of a Rwandan ambassador to the Democratic Republic of the Congo. Following a request by Rwanda, the Transitional Government authorized an investigation, which is currently being conducted by the Joint Verification Team at Goma, into the alleged presence of Rwandan combatants at the Mushaki *brassage* centre in North Kivu. Meanwhile, the Goma Joint Verification Team is awaiting authorization from the Transitional Government to investigate allegations that Rwandan military prisoners of war are being detained in Kisangani and Kinshasa.

20. Developments in Burundi affected security in the east, as the Burundian National Defence Forces launched attacks on the Forces nationales de libération (FNL), despite efforts to reach a comprehensive ceasefire following the signing of a declaration at Dar es Salaam on 15 May. Reports of increasing numbers of FNL rebels in the east adversely affected relations between the two countries, and reports continue of Burundian Army elements shelling Congolese territory. In order to address the situation, the FARDC Tenth Military Region Commander requested MONUC support for the establishment of a coordinated bilateral verification mechanism. MONUC and the United Nations Operation in Burundi (ONUB) are looking into this matter and monitoring the situation closely.

III. Implementation of the mandate of the Mission

Security situation

Ituri

21. The security situation in Ituri remains volatile, despite robust measures taken by FARDC with MONUC support to disarm combatants. Moreover, the Transitional Government has yet to take the necessary measures to extend its authority, particularly security and administrative services, throughout the district.

22. During the reporting period, MONUC and the integrated FARDC brigade conducted cordon and search and area domination activities in the region. The temporary forceful expulsion of the Union des patriotes congolais-Lubanga wing (UPC-L) from its stronghold in Katoto on 24 May in a joint FARDC-MONUC operation reduced the group's area of control and improved security in the district.

23. Under the disarmament and community reintegration programme, which ended on 25 June, 15,607 combatants of various militia groups, including 4,395 children (840 of whom were girls) were disarmed and some 6,200 weapons collected, of which, however, 70 per cent were unserviceable. The successful completion of the disarmament phase of the programme is attributable to MONUC activities and joint action with the Congolese authorities, using a robust political, judicial and military approach.

24. The sustainable reintegration of ex-combatants into civilian life, or the military integration of ex-militia elements into FARDC, remains a major challenge to be addressed. Two thirds of the ex-combatants remain unemployed and former combatants are likely to be tempted to take up arms again without prospects for long-term socio-economic opportunities. The implementation of reinsertion projects, costing some $3 million, is progressing slowly. The main responsibility for community reinsertion rests with the national authority for disarmament and reintegration, CONADER, which is financed by the World Bank-sponsored Multi-country Demobilization and Reintegration Programme. Over the past month, CONADER, together with UNDP, has intensified its efforts and has approved a number of additional reintegration projects.

25. As a result of the disarmament exercise, the Forces armees du peuple congolais (FAPC) and the Union des patriotes congolais-Kisembo wing (UPC-K) have ceased to exist. Reports indicate that, although severely weakened following the disarmament of their forces and the arrest of most of their leaders, UPC-L, the Front nationaliste intégrationniste (FNI), the Forces de resistance patriotiques en Ituri (FRPI) and the Parti pour l'unité et la sauvegarde de l'integrité du Congo (PUSIC) are attempting to consolidate their remaining forces under a new alliance called the Mouvement révolutionnaire congolais. These groups, motivated by cross-border illegal business interests, continue to disrupt the extension of State authority by targeting FARDC positions and MONUC patrols and menacing local populations. Some 50 recalcitrant militia leaders together with some 1,200 armed elements remain at large in Ituri, concentrated in the Irumu, Djugu and Mahagi territories.

26. During MONUC-led robust military operations at Lugo on 2 June and at Medu on 27 June a change in tactics by armed elements was noted, including attacks on MONUC helicopters, use of human shields and abandoning militia camps to hide

among the population. I am most concerned that these groups are apparently being rearmed and trained with external support in contravention of Security Council resolutions.

27. It is difficult to assess whether direct support to the militia groups in Ituri is being provided from neighbouring countries. Reports indicate, however, that representatives of the groups move freely between the Democratic Republic of the Congo, Uganda and Rwanda, including for meetings and to conduct financial transactions. In a striking development, many representatives of armed groups met openly in Kampala in mid-June to form the Mouvement révolutionnaire congolais, whose aim is to oppose the extension of State authority throughout Ituri. There are unconfirmed reports that militia in Ituri are regularly receiving weapons, including across Lake Albert. I strongly urge neighbouring States to ensure that remaining militia groups are not allowed to use their territories as rear bases, safe havens or as a supply route for illegal arms trafficking.

28. The presence of FARDC troops in Ituri and their continuing joint activities with MONUC represent the most visible manifestation of State authority. However, the Congolese troops are not paid regularly, lack long-term sustainment and are poorly equipped, particularly in logistical support including communications, vehicles and uniforms.

29. At the same time, while revenues from taxes and customs duties have started trickling into Government channels, the State is far from having full control over Ituri's resources. Revenues generated in areas occupied by remaining militia groups, especially in mining areas, continue to be misappropriated, and customs and tax offices are poorly equipped and financed. The Transitional Government needs to urgently implement, with the support of its international partners, a comprehensive plan to extend State authority and stop the illegal exploitation of resources. The plan should include a budget for the administration of Ituri and a mechanism to ensure regular payments and logistical support for civil servants.

30. While most Ituri militia leaders are now imprisoned, the Transitional Government has yet to begin any formal legal action against them. Furthermore, some of those handed over to the Government by MONUC were recently released from a prison in Kinshasa. Several militia leaders remain at large and are continuing illegal business activities. Following reports that some militia leaders may have taken refuge in a neighbouring country, MONUC has urged the Transitional Government to issue international arrest warrants for them.

The Kivus

31. With regard to the Kivus, during the reporting period the local authorities and MONUC devoted much attention to developments related to the declaration made by FDLR on 31 March in Rome. Working together with MONUC, local authorities have taken steps to sensitize the local population and several senior Transitional Government representatives travelled to North and South Kivu to follow up on this process.

32. The MONUC North Kivu brigade has carried out operations in close coordination with FARDC against armed elements in the province to facilitate free and safe access for civilians, particularly on the Walikale-Goma and Goma-Beni routes, and to enhance security in the major population centres. Joint MONUC-

FARDC operations have also been conducted in FDLR-held areas to limit the group's freedom of movement.

33. In South Kivu, MONUC has recently deployed to the previously very volatile Walungu and Kabare areas and conducts joint operations with FARDC. In response to attacks by FDLR and other armed elements on the local population early in March, joint MONUC-FARDC operations in Walungu territory included foot patrols, supported by activities of rapid reaction helicopter units, in an attempt to stabilize the deteriorating security situation. MONUC also helped to organize community-based Village Vigilance Committees, which is an early warning system aimed at preventing attacks against the local population. On 23 May, during an attack against the village of Ihembe in Kabare territory by a group of armed FDLR-related elements, 25 persons were killed and several abducted.

34. On 1 July, MONUC and FARDC began a series of joint military operations in South Kivu to limit the movement of FDLR, while also protecting civilian populations. The two most recent operations, Operation Falcon Sweep and Operation Iron Fist, involved a larger number of troops and increased collaboration with FARDC. During those operations, MONUC and FARDC troops destroyed six empty FDLR camps on 14 July, after having first given warnings to the combatants to leave the area. MONUC aims to encourage those military elements to repatriate or move to more remote areas where they do not pose a threat to the local population.

35. Despite the increased intensity of MONUC military operations, during the night of 9 July unidentified elements attacked the village of Ntulamamba, 75 km west of Bukavu in South Kivu. A verification mission by MONUC conducted on 13 July found that some 47 persons, mostly women and children, had been killed. MONUC and FARDC are still trying to identify the assailants, while FDLR has denied involvement.

36. Security in the Democratic Republic of the Congo, which is of particular concern in Ituri and the Kivus, is ultimately the responsibility of the Government. The MONUC exit strategy in those areas depends on the capacity of FARDC and the Congolese national police to provide a minimally acceptable level of security. Unfortunately, FARDC operations continue to suffer from a severe lack of basic logistic resources. More importantly, command and control within FARDC ranks depends on the provision of food and salaries for its soldiers. These issues must be addressed on an urgent basis, keeping in mind the long-term development of the Congolese security forces.

Katanga and the Kasais

37. As indicated in my last report, the security situation in Katanga and the Kasais depends largely on the state of law and order. During the reporting period, tensions heightened between the political parties, particularly UDPS and the provincial authorities.

38. Tensions increased in Mbuji-Mayi in May after the UDPS called for a *ville morte* to protest the extension of the transition beyond 30 June. The situation deteriorated on 17 and 18 May as first the headquarters of UDPS, then those of PPRD, MLC and RCD-Kisangani/Mouvement de libération, were set on fire, resulting in two fatalities. Rumours regarding the perpetrators of the arson attacks

further increased tensions. In response, MONUC temporarily deployed a platoon of troops to the town primarily for the protection of its staff and premises, and facilitated meetings between UDPS and President Kabila's National Security Adviser in Mbuji-Mayi to reduce tensions.

39. The threat to the electoral process posed by particularly high political tensions and uncontrolled armed groups in the Kasais and Katanga remains an issue of serious concern. It is particularly important in those areas that the Government's security forces act in an impartial and professional manner. In my report of 26 May, I recommended that the Security Council consider the deployment of formed police units to key cities in these and other provinces, as well as an additional brigade of United Nations troops to address the threats posed by uncontrolled armed groups. I remain convinced that these proposals are key to allowing the electoral process to unfold in those areas.

Security sector reform and national disarmament, demobilization and reintegration

40. The Joint Commission on Security Sector Reform has met five times since it was set up in January. Two subcommissions — on the military and the police — meet weekly to coordinate the implementation of the Commission's decisions. An important development during the reporting period has been the strengthening of donor coordination regarding the complex process of *brassage*, by which the various Congolese armed groups and forces are reconstituted into brigades in the national armed forces. The European Union and the Governments of Angola, Belgium, the Netherlands and South Africa, have either expressed interest in or are actively contributing to various aspects of this process. Donors have now committed themselves to supporting the six operational *brassage* sites: Mushaki and Nyaleke (North Kivu) by South Africa, using funding provided by the Government of the Netherlands; Kitona (Bas-Congo) by Angola; the *brassage* centres in South Kivu (Luberizi) and Province Orientale (Lukusu) may be supported by the European Union; and the Kamina centre (Katanga) by Belgium and South Africa. Nevertheless, conditions at the sites remain poor, as funding for their refurbishment has not yet been received.

41. South Africa has led efforts to conduct a census of FARDC and it appears that the numbers provided by the Transitional Government for troop strength were too high. The European Union has taken the lead, with the Congolese authorities and in consultation with the World Bank, MONUC and other donors, in developing plans for army integration and disarmament, demobilization and reintegration, which are expected to be submitted to the Joint Commission on Security Sector Reform for review.

42. The demobilization and reintegration into society of former adult combatants is proceeding slowly, mainly because of difficulties faced by CONADER and the pace of implementing reintegration projects. MONUC continues to work actively with its donor partners, particularly the MDRP, CONADER and the political and military authorities, to move the process forward.

Disarmament and repatriation of foreign armed groups

43. On 31 March, in Rome, the President of FDLR, Ignace Murwanashyaka, announced that FDLR had decided to renounce violence and denounce the Rwandan

genocide and was prepared to join the disarmament, demobilization, repatriation, reintegration and rehabilitation process. He visited Kinshasa early in May and subsequently travelled to North and South Kivu, apparently to sensitize FDLR combatants and prepare them to implement the Rome declaration.

44. In response, MONUC prepared six temporary assembly areas — at Lubero, Kanyabayonga, Sake, Hombo, Sange and Walungu — to receive the estimated 30,000 combatants and their dependants believed to be in North and South Kivu. However, Mr. Murwanashyaka left the country in mid-May without issuing orders to the combatants to enter the disarmament, demobilization, repatriation, reintegration and rehabilitation programme. While there has been a slight rise in voluntary participation in the programme by FDLR elements, there has been no large-scale repatriation. As at 27 June, 11,729 foreign combatants and their dependants had registered as having returned to their countries of origin since January 2003.

45. The Government of Uganda has strongly advocated that MONUC take military action against the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU). MONUC has requested the Ugandan authorities to provide it with information regarding possible ADF/NALU attacks. There are some indications that the upsurge in ADF/NALU activity is being instigated by other armed groups in the area.

46. The rank and file of ADF/NALU personnel have expressed to MONUC their willingness to be voluntarily repatriated to Uganda if they are given amnesty, and with the sanction of their commanders. The Transitional Government has verbally agreed to a request from the Government of Uganda, with MONUC support, to open a Ugandan Amnesty Commission office in Beni. A joint MONUC-Government of Uganda meeting with the ADF/NALU leaders is being planned to discuss the issue of amnesty and to obtain their support for the participation of their combatants in the disarmament, demobilization, repatriation, reintegration and rehabilitation programme.

Police activities and deployment

47. On 1 April, the Transitional Government agreed on the co-location of MONUC police advisers with senior national police officers, including at the inspector general and provincial inspector level. MONUC has also enhanced its co-location arrangements with the commanding officers of the national police's mobile intervention units and the Congolese integrated police unit in Ituri to provide strategic guidance.

48. In the meantime, MONUC has trained some 600 Congolese police instructors, from a variety of police units. The instructors have been deployed to 12 police sectors throughout the country and will train some 18,500 police personnel. On 11 July, three-month training programmes for 1,240 personnel of the territorial police commenced in Bukavu, Bunia, Kindu, Mahagi and Goma. In June, MONUC conducted refresher courses in crowd control techniques for 158 national police officers in Mbuji-Mayi. Similar training is planned for several other police sectors. It was most encouraging that the mobile police unit trained by MONUC in Mbuji-Mayi demonstrated a satisfactory level of professionalism in dealing with crowds during public demonstrations held on 30 June in connection with the extension of the transition.

49. As noted in paragraph 14 above, donors have been encouraged by progress demonstrated in police reform and have provided some funding and equipment for Congolese police personnel and units being trained by MONUC. To date, some $7.5 million has been released through the UNDP basket fund and tenders have been issued for the purchase of non-lethal policing equipment. MONUC continues to provide operational support to the national police in securing voter registration operations in Kinshasa and has established liaison mechanisms between the Independent Electoral Commission and police units deployed to registration sites. MONUC is also closely assisting provincial police inspectors in finalizing operational plans in preparation for the extension of voter registration to the provinces.

50. On 3 May, President Kabila promulgated a decree establishing a mechanism for the preparation, with MONUC support, of an operational security plan for the electoral process. It is envisaged that the national police would have primary responsibility for security during elections, supported by FARDC. On 4 June, MONUC held a seminar, funded by the Governments of Sweden and South Africa, to develop an integrated strategy for electoral security. It was agreed that a national operation centre would be established to coordinate police and military activities and that the Ministries of the Interior and Defence would prepare a national security plan for the elections. MONUC will support the planning process.

Humanitarian situation

51. The protection of vulnerable populations remained a key priority during the reporting period. Killings, rapes and kidnappings by armed groups in South Kivu resulted in 59,000 internally displaced persons. United Nations agencies and non-governmental organizations providing humanitarian assistance were stretched to capacity. Following the arrival of MONUC troops in the area, 1,100 internally displaced persons returned to their homes. The World Food Programme continues to provide food to some 50,000 internally displaced persons and returnees in the Walungu territory and MONUC quick-impact projects are being used to rehabilitate roads and bridges to improve humanitarian access. Military escorts continue to facilitate humanitarian assessments and food deliveries to vulnerable populations in North Kivu.

52. In June, MONUC and UNDP facilitated the return by boat of some 2,000 internally displaced persons from Kinshasa to Kisangani. This pilot project was implemented by the Ministry of Social Affairs, with inter-agency support. In view of deteriorating conditions at Lisala, MONUC organized the delivery of emergency supplies of blankets, plastic sheeting and medicines provided by UNDP and the Office of the United Nations High Commissioner for Refugees.

53. The settlement for internally displaced persons at Kafe/Kakwa, which had housed up to 14,500 people, has been closed. A humanitarian mission on 15 June found that most of the 8,582 people remaining at the site are long-time residents. Assistance will now be provided to facilitate the return and reinsertion of the local population in the area.

54. The 2004/05 budget of $1 million for quick-impact projects has now been fully committed. Forty-six new proposals totalling $479,000 were approved during March, 29 of which are for the eastern Democratic Republic of the Congo. Almost

halt are for rehabilitation projects that will significantly improve access and social services.

Human rights

55. During the reporting period, MONUC has documented an increase in the number of violations of human rights associated with the forthcoming elections, including the arbitrary arrest and detention of members of political opposition parties in several provinces, in particular Katanga, the Kasais, Orientale and Bas-Congo, and in Kinshasa.

56. Instances of the possible use of excessive force, including the shooting of unarmed civilians, by the security forces policing demonstrations are under investigation following the May and June demonstrations in Mbuji-Mayi, Kinshasa and Tshikapa. MONUC continues to impress upon provincial and central authorities an individual's right to the peaceful expression of political views. My Special Representative addressed a letter to President Kabila on 21 June concerning the difficulties faced by MONUC in accessing political detainees held in several detention facilities. While the Presidency has since indicated that the Government will facilitate such access, the Mission is still frequently prevented from monitoring political detainees.

57. In anticipation of election-related human rights violations, MONUC has established a special human rights investigative unit to report swiftly and publicly on such abuses. In June, the unit conducted a mission to Province Orientale to assess the risk of human rights violations against voters and members of political parties and found that closer monitoring was required. An investigation from 13 to 20 June into several allegations of arbitrary detention, torture, disappearances and deaths following the violence in Mbuji-Mayi in June found that 15 civilians had been killed and 26 wounded, all by gunfire from local security forces. Of the 39 people who were arbitrarily arrested, most were beaten while in custody; 35 persons were later released and 4 remain unaccounted for.

58. In the Kivus, special teams conducted investigations in May and June into abuses against civilians, particularly by armed Hutu groups in South Kivu. MONUC military have maintained a presence during and after such investigations to deter possible reprisals against the population by armed groups. On 18 May, the findings on the protection of civilians in those provinces were publicly announced. Meanwhile, further attacks against civilians reported in Ntulamamba during the night of 9 July are under investigation.

59. On 2 June, a human rights team in Ituri came under fire as it investigated alleged human rights abuses perpetrated by FNI militia under the command of Peter Karim in the village of Rakpa, approximately 60 km west of Mahagi. Further to reports that militia members had raped local women and forcibly recruited young people into the militia, human rights officers — with military escort — undertook a one-day visit to the village. The officers were unable to conduct interviews, owing to the presence of the militia, which put the local population at risk of reprisals. As the MONUC team was leaving, militia elements opened fire on a MONUC helicopter, hitting it and wounding four peacekeepers who were providing security for the civilian team. One of the peacekeepers (from Bangladesh) subsequently died.

Child protection

60. In order to protect children, particularly street children, from being used to foment public unrest and as potential targets of violence or repression, MONUC and child protection partners continue to sensitize local authorities in key cities. In Mbuji-Mayi, during unrest in May, most of the demonstrators were children and young people. As a result of sustained advocacy by MONUC and child protection partners, the draft Constitution includes several provisions on children, including defining the age of maturity as 18, and a State obligation to protect children from abandonment and all forms of violence, and from being accused of witchcraft. MONUC also intervened in seven cases of individuals under sentence of death who are currently under 18 or were at the time their sentences were passed.

HIV/AIDS

61. Information, sensitization and training on HIV/AIDS and related issues continue for MONUC staff. The Mission has also established a voluntary, confidential counselling and testing service in its level one, two and three hospital facilities, as well as in other areas where Mission personnel are deployed.

Rule of law

62. While the civilian and military justice systems in the Democratic Republic of the Congo remain weak, judicial activity has increased in recent months, as civilian and military justice personnel have been deployed to provincial centres including Goma, Lubumbashi, Kisangani, Lodja and Gbadolite. In order to help strengthen State authority, MONUC monitors the judicial process and individual cases with political or human rights concerns. The Mission brought to the attention of the Auditeur general in Kinshasa in May reports of the serious misconduct of the Auditeur de garnison in Bunia, who was replaced as a result.

63. It is unclear whether the authorities issued valid indictments and arrest warrants based upon evidence that would ultimately sustain criminal convictions when they arrested or detained seven prominent militia leaders earlier this year. MONUC is exploring ways to support and strengthen the investigative capacity of the Auditeur militaire through technical and logistical assistance and capacity-building and to assist the Congolese authorities in building legal cases to meet the necessary burden of proof.

Public information

64. Community outreach and liaison are important parts of MONUC public information activities. During the reporting period, the Mission sponsored a number of special events in Kinshasa and the provinces aimed at reducing violence and tensions through music, sport, theatre, conferences, debates and participation in national radio and television programmes.

65. Radio Okapi focused on reducing public tensions in anticipation of 30 June, primarily by explaining the transitional process and the process for holding credible

elections. It broadcasts daily several news reports, sensitization and civic education programmes, debates, skits and round-table discussions, through its network of national and 10 regional FM stations, 11 FM transmitters, five community radio partners, and by short-wave transmissions. Preparations continue for the opening of two additional regional stations at Mbuji-Mayi and Lubumbashi, while 20 additional FM transmitters are also to be set up.

Integrated mission concept

66. My Deputy Special Representative, who is also Humanitarian Coordinator, Resident Coordinator, Deputy Designated Official and UNDP Resident Representative, chairs regular meetings of the Humanitarian Action Group, which includes the United Nations country team, donors and non-governmental organizations. The group facilitates enhanced coordination regarding humanitarian response, security, capacity-building and reconstruction programmes. It also ensures that the United Nations system speaks and acts with a shared sense of purpose.

67. A framework for the protection of civilians is being developed through which MONUC military police and civilian staff are preparing common approaches for the protection of civilians against violence, especially sexual violence; the reintegration of internally displaced persons, refugees and ex-combatants into their communities of origin; and the security of all United Nations staff and humanitarian workers. Provincial humanitarian action plans and coordination structures, including for the selection of quick-impact projects, also benefit from collaboration between MONUC and the United Nations agencies. Voluntary contributions for electoral activities, including security arrangements by the police, disarmament demobilization and reintegration and retraining of the national army are channelled through UNDP to support the provision of expertise by MONUC. Such synergies facilitate the optimal use of the United Nations common resources for the Congolese people.

Coordination between MONUC and ONUB

68. MONUC and ONUB representatives continue to communicate and meet regularly on issues of mutual concern. The second regular meeting of my Special Representatives for the two countries and their senior staff was held at Bujumbura on 9 and 10 May. There has been close coordination in recent months on the elections and the forced return of Rwandan refugees from Burundi in June. Humanitarian offices in the two missions have established a joint early warning mechanism to ensure timely responses to cross-border population movements.

IV. Conduct of MONUC personnel

69. The MONUC Office for Addressing Sexual Exploitation and Abuse was established on 1 March, with the primary responsibility of addressing all matters relating to sexual exploitation and abuse in MONUC. The Office comprises five international civilian staff, eight investigators and one civilian police officer with specialized expertise in sexual exploitation and abuse.

70. MONUC activities relating to sexual exploitation and abuse encompass three key areas, namely, (a) conducting investigations into allegations of sexual exploitation and abuse involving all categories of MONUC personnel; (b) developing and implementing policies, with particular emphasis on the prevention of sexual exploitation and abuse, and assistance to victims of sexual exploitation and abuse in the broader context of sexual violence in the Democratic Republic of the Congo; and (c) providing training to all MONUC personnel on sexual exploitation and abuse, and raising awareness of the issue among the Congolese and the general public. In carrying out its activities, the Office works closely with other MONUC sections and components, as well as other United Nations agencies, national and international non-governmental organizations.

71. Early in 2005, my Special Representative and the Force Commander issued directives outlining preventive measures to address sexual exploitation and abuse, including a curfew and the designation of off-limits areas and premises. A number of actions have been taken to ensure the implementation of those measures, including patrols by MONUC military police and security personnel. With respect to military contingents, improved perimeter fencing and lighting around military compounds have been put up, and access control to military compounds has been strengthened. Military contingent personnel are also required to wear their uniforms at all times to facilitate monitoring of their movements when off duty. Welfare and recreational activities for civilian and military personnel are being gradually improved and contingents have reallocated available resources to create or upgrade recreational and sporting facilities. While reports indicate that these measures are generally being respected, some violations have been noted and appropriate and immediate action has been taken.

72. To ensure that investigations are in accordance with internationally accepted standards, the Office has developed standard operating procedures and guidelines for the conduct of investigations into allegations of sexual exploitation and abuse. From 25 December 2004 to 30 June, 77 investigations were completed, of which 31 were closed because allegations could not be substantiated, for the following reasons: in six rape cases, the alleged perpetrators could not be identified by the victims, as they were severely traumatized and unable to recall the alleged perpetrator's appearance; in older cases, the rotation of the relevant military contingent out of the mission prevented the identification of the alleged perpetrators. Victims themselves were also sometimes difficult to locate and did not always wish to come forward with a complaint, because of fear, ignorance or cultural barriers. Of the completed (substantiated and unsubstantiated) investigations, approximately 40 per cent involved civilian personnel while 60 per cent involved military personnel. The types of allegations included rape (9 per cent), sex with minors (29 per cent), sex for employment (7 per cent) and sex with prostitutes (38 per cent). Twenty per cent of the investigations also involved paternity claims.

73. Thus far, 17 military personnel have been repatriated on disciplinary grounds, for offences including sex with prostitutes, engaging in a sexually exploitive relationship, assault, and failure to prevent sexual exploitation and abuse. Of these, four were officers, including two commanding officers; six were warrant officers; and seven were from other ranks. With respect to civilian personnel, disciplinary proceedings have been initiated against eight individuals for offences ranging from sex with minors, sex for employment, sex with prostitutes and failure to cooperate

in an investigation. Four of these individuals held management-level positions in MONUC.

74. As at 30 June, 73 cases are outstanding, of which 53 are currently under investigation. Allegations continue to be received from a variety of sources, concerning both recent and older incidents. The reporting of older incidents, in particular, is attributed to the regular presence of specialized investigators in the field, the widely publicized preventive measures and the increased confidence of victims and witnesses in the commitment and capacity of MONUC to address sexual exploitation and abuse.

75. In March, an inter-agency sexual exploitation and abuse focal points network, chaired by MONUC, was established in Kinshasa. A first priority of the network is to strengthen linkages with agencies, coordinate victim assistance and referral initiatives on sexual violence, and develop a common code of conduct and guidelines for investigations and training. MONUC provides input to the Executive Committee on Peace and Security/Executive Committee on Humanitarian Affairs Task Force on the Prevention of Sexual Exploitation and Abuse at Headquarters and actively participates in its sub-groups, in particular the Working Group on Training and Assistance to Victims, which covers, inter alia, paternity-related issues. The Mission is also developing a referral network system of international and local non-governmental organizations through which victims can obtain medical, psycho-social and reintegration assistance. Quick-impact project funding will be used in support of these activities.

76. Finally, the Mission conducts regular training on sexual exploitation and abuse for all new civilian personnel, military observers, staff officers and civilian police. At the end of June 2005, some 400 persons of all categories of personnel attended training on sexual exploitation and abuse.

77. The measures taken thus far represent the foundation for an ongoing programme of vigilance and enforcement. Pursuant to General Assembly resolution 59/287, MONUC will transfer all remaining investigations and allegations relating to category I offences, such as sexual exploitation and abuse, to the Office of Internal Oversight Services by early September 2005. Over the coming months, MONUC will continue to be challenged by the need to maintain momentum on efforts to prevent sexual exploitation and abuse through training, advocacy and public information campaigns. It will also focus on further developing strategies on assistance to victims and strengthening its network with United Nations agencies and non-governmental organizations.

V. Administrative aspects

78. Despite it own resource limitations, the MONUC administration has been fulfilling a number of support requests that fall outside its immediate area of responsibility. Air support was provided to the United Nations Mission in the Sudan (UNMIS), involving the dedicated tasking of several aircraft. MONUC has also provided close to 2.5 million litres of aviation fuel to UNMIS aircraft in Entebbe since February 2005. MONUC also made available air assets in support of political negotiations in Burundi and to reinforce support for the elections in that country. One helicopter was placed at the disposal of ONUB early in July for electoral purposes and 35 support flights were also performed from April to June. Continued

logistic support, on a reimbursable basis, has also been provided to the International Criminal Court for its activities in the Democratic Republic of the Congo. It is expected that such requests for support will decrease as the capacity of the other operations increases. However, MONUC support capacity will be particularly tested when the Mission's scope of operations increases not only in support of the electoral process but also in support of robust operations in the eastern Democratic Republic of the Congo.

79. MONUC also continues to face challenges in recruiting qualified staff. There is a particular disproportion between the increased troop strength authorized under successive mandates of the Security Council and the requisite increase in mission support personnel. This situation has been exacerbated by the very high rate of attrition in MONUC, due to the particularly difficult conditions of service in the Democratic Republic of the Congo. Since January 2004, an average of two staff members have left the Mission for every three recruited, largely because of difficult conditions and the extended service of many mission staff.

VI. Financial aspects

80. The General Assembly, by its resolution 59/285 B of 22 June 2005, authorized me to enter into commitments in an amount not exceeding $383,187,800 for the maintenance of MONUC for the period from 1 July to 31 October 2005. My proposed budget for MONUC for the full 12-month period from 1 July 2005 to 30 June 2006 is currently in preparation and will be submitted to the General Assembly for review and action during the main part of its sixtieth session.

81. As at 30 June 2005, unpaid assessed contributions to the MONUC special account amounted to $279 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,729.2 million.

82. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million, with expenditure to date of $1 million. As I indicated in my special report on elections (S/2005/320, para. 63), upon the appointment of the Ituri District Administration by the Transitional Government, the trust fund to support the Ituri Pacification Commission established in July 2003 had accomplished its purpose. Following consultations with the donors, the remaining balance of contributions to the trust fund in the amount of some $67,700 will be used to support the Ituri District Administration.

VII. Observations

83. I was pleased to note that, despite tensions, the deadline of 30 June marking the end of the first period of the transition passed without major disruption to the peace process. I commend the Transitional Government for creating the security conditions necessary to allow calm to prevail, as well as the political parties for their positive attitude towards the event. I also note with appreciation the facilitation efforts of my Special Representative, the members of the International Committee for Support to the Transition, the European Union and regional leaders.

84. In the run-up to the elections, the Congolese leaders must take additional steps to ensure respect for political inclusiveness and to ensure that all political parties sign and abide by the code of conduct. All concerned must refrain from inciting the public to disrupt the transition and the electoral process. The signatories of the Global and All-Inclusive Agreement have a special responsibility in this regard. The Transitional Government must engage in an active public information campaign to ensure that the population understands the electoral process and is made aware of the electoral timetable. I also remind the Congolese leaders that they must abide by the electoral timetable, as any extension of the transition beyond the limits set by the Global and All-Inclusive Agreement would be unacceptable.

85. While the technical process for the holding of elections is on track, serious funding gaps remain. I commend the Independent Electoral Commission and its partners for meeting the challenges of organizing the elections and the European Union for its timely initiative in convening the donors conference in Brussels on 11 July, at which $100 million in additional electoral funding was pledged.

86. I urge the Security Council to approve the request detailed in my special report on elections (S/2005/320, para. 72) for MONUC to be able to provide logistical support, without which the electoral timetable will be seriously delayed. I also strongly appeal to the Security Council to give due consideration to the recommendations made in paragraphs 70 and 71 of that report for an increase in the authorized strength of the MONUC civilian police and military contingents. As the Congolese people prepare for the sensitive electoral phase of the peace process, it is essential that the international community send a clear signal of its determination to ensure that MONUC is provided with the resources required to create an environment conducive to the holding of peaceful and fair elections and to manage that process and its immediate aftermath in an effective manner. Thereafter, the Katanga brigade, which will be deployed for election security, and other relevant elements of the Mission will be closely evaluated with the view to recalibrating MONUC resources.

87. While attention is geared to the electoral process, the Transitional Government must at the same time strengthen its efforts to address the dire socio-economic conditions in the country. Decisive action needs to be taken to ensure the regular payment of civil servant salaries, extend the provision of health care and education, improve transport infrastructure, and ensure good governance. The Government must also build on recent progress in the reform and restructuring of the security services, particularly the armed forces and the national police. I would urge donors to continue to coordinate their support, and call upon the Congolese authorities to show the leadership and the political commitment necessary to ensure that this issue is effectively addressed. I also urge the Government to ensure that the security forces act in full respect for human rights and international humanitarian law in carrying out their duties.

88. I remain deeply concerned about the continuing volatility in Ituri, which has major repercussions for the security of the Great Lakes region. The answer to the security problems in that area remains with the Transitional Government through the extension of State authority to address issues of illegal mining and cross-border commerce, arms flows and the armed groups. While the District Commissioner, the judiciary, the FARDC First Integrated Brigade and a small national police contingent continue to make significant contributions to pacification, Ituri, which is

home to 10 per cent of the country's population, still lacks customs and immigration officers at border crossing points, sufficient police officers and health and education officials. I urge the Transitional Government and its partners to urgently prepare a comprehensive plan, including the financial, material and human resources necessary to reintegrate Ituri into the nation as a whole and put an end to the illegal exploitation of resources. Without such decisive action, revenues will continue to be misappropriated by illegal actors, undermining the Transitional Government's credibility and endangering progress towards peace.

89. The international community must exert increased pressure on neighbouring countries to refrain from supporting militia groups and violating the arms embargo. Member States must also strongly encourage mining and trading companies to abide by good business practices in politically volatile and sensitive areas. I strongly urge Member States to take effective national and international action to prevent violations of the arms embargo and the illegal exploitation of the natural resources of the Democratic Republic of the Congo.

90. I am encouraged by the interest and commitment shown by the Congolese authorities and Member States in my recommendation to set up an arrangement between donors, international financial institutions and the Transitional Government to promote good governance and accountable and transparent economic management. While the modalities for such a mechanism still need to be worked out, I would urge the Transitional Government and its international partners to address this matter urgently and in a far-reaching manner. I trust that the Government will provide its full cooperation in developing the mechanism, which is a vital element in consolidating peace.

91. It is most regrettable that the long-awaited declaration by FDLR in Rome on 31 March has not resulted in concrete progress towards disarmament and the repatriation of combatants. I therefore welcome the commitment made on 16 July by the Transitional Government to take forcible action to disarm FDLR. The Transitional Government, assisted by donors, must ensure that the armed forces are paid and receive adequate logistical support, which is necessary for the success of such an operation. MONUC will continue to take a more robust posture against various armed groups, while providing support within its means to FARDC. Meanwhile, I appeal to Member States to maintain pressure on all relevant parties to ensure that the repatriation process gets under way without further delay.

92. I am deeply saddened that, during the reporting period, two peacekeepers were killed in hostile action in the eastern part of the Democratic Republic of the Congo, bringing to 12 the number of MONUC troops killed this year. National staff, in particular Radio Okapi journalists, continue to be harassed and in some cases threatened while carrying out their work. Such threats to MONUC staff are unacceptable, and I call upon the Transitional Government to take the necessary measures to ensure that all MONUC staff can freely conduct their duties throughout the country without fear for their safety and security.

93. In conclusion, I would also like to thank my Special Representative and the personnel of MONUC, the United Nations system and international partners for their untiring efforts, often under conditions of personal risk, in the pursuance of peace in the Democratic Republic of the Congo.